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SENSITIVE

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TAGS: [CVIS](#) [CMGT](#) [KFRD](#) [XE](#) [MG](#)

SUBJECT: Visa Referral Validation Study Finds Low Overstay Rate

REF: 2007 ULAANBAATAR 0037

¶1. (SBU) SUMMARY: A validation study of post's Visa Referral Program covering January 2007 through December 2008 showed no signs of fraud or abuse in this program. The study identified an overstay rate of one percent for referred applicants, well below the 16 percent overstay rate estimated for all visa issuances as of post's last validation study in 2007 (see reftel). Furthermore, consular management has thoroughly reviewed post's referral practices to ensure that it strictly complies with CA regulations, and will continue to closely monitor referral cases. END SUMMARY.

¶2. (SBU) The validation study was the first conducted by the Fraud Prevention Unit (FPU) using a CA/FPP-facilitated batch query of Department of Homeland Security (DHS) entry/exit records. To carry out this study, FPU ran a Referral Report on CCD to generate a list of all referred cases issued visas in Ulaanbaatar between January 1, 2007 and December 31, 2008. Since each referral was listed individually, post had to generate an Excel spreadsheet for each, then cut and paste that information into a single spreadsheet. This review identified errors in how visa referrals were entered into the NIV system which has since been fixed. Once the final list was compiled, post ran the data through DHS's Arrival and Departure Information System (ADIS).

¶3. (SBU) In all, 454 applicants referred by officers participating in the program were issued non-immigrant visas (NIVs). Only 32 referrals were refused visas during this time based on 214(b), yielding a seven percent refusal rate. Of the referral cases that were issued visas, five people were shown to have overstayed and remained in the United States illegally, yielding an overstay rate of one percent.

¶4. (SBU) A review of the five cases of overstays did not indicate any systematic abuse or fraud. However, it did suggest that the officers at the time did not fully understand visa referral policy. Case notes in a couple of the cases indicate that the visas would not have been issued were it not for the B Referrals. The Consular section has recently reiterated, both internally and to all referring officers, that referrals do not in themselves enable applicants to overcome ineligibility for a visa, and this will be made a point of emphasis in future training and briefing programs.

¶5. (SBU) Over the past year, consular management has taken a number of steps to tighten the referral program. Criteria for referrals are now explicitly reviewed with all arriving American staff as part of the check-in process and all officers must receive a briefing on post's referral policy and sign a document agreeing to comply with the regulations before being approved as a valid referrer. Additionally, the consular section chief reviews all referrals before the applicant appears for their interview to ensure that the referral meets CA guidelines. In cases where the referral appears not to meet the guidelines contained in 9 FAM Appendix K or in the referral policy, the consul calls the referring officer to discuss and advises either to resubmit with additional justification or to

withdraw.

16. (SBU) On the whole, this study shows that post's Visa Referral Program is highly effective in enabling the mission to advance U.S. interests abroad by facilitating the adjudication of visa applications for Mongolian nationals whose travel is deemed to be clearly in the U.S. national interest.

Addleton